

REMARKS

The title has been amended as requested by the Examiner.

Claims 34-41 have been rejected as anticipated by Wetterlin or by Hallworth. These rejections are respectfully traversed.

Applicants' claim 34 requires that *at least one of the surfaces of the flow path be movable relative to at least one other of the surfaces of the flow path*, and that the inhaler include a *powder dislodging member* which is of fixed position relative to one of the at least one or at least one other of the surfaces of the flow path and is *configured, on relative movement of the at least one and one other of the surfaces of the flow path, to contact the other of the at least one or at least one other of the surfaces of the flow path so as to dislodge powder accumulated thereon*. Claim 35 requires a scraper which is movable relative to at least one of the surfaces of the flow path and is configured, on movement thereof relative to the at least one of the surfaces of the flow path, to contact the at least one of the surfaces of the flow path such as to dislodge powder accumulated thereon.

Several of the claimed features are absent from both Wetterlin and Hallworth, which is not surprising since neither reference is concerned with, or even appears to recognize, the problem addressed by Applicants, i.e., accumulation of powder on the surfaces of the flow path of an inhaler.

First, neither reference teaches or suggests Applicants' claimed powder dislodging member. The Examiner alleges that the rotating means 3 of Wetterlin is a powder dislodging member. Applicants disagree. Powder dislodgement is not the intended function of the rotating member 3, nor would member 3 perform this function – member 3 does not “contact [a surface] of the flow path so as to dislodge powder accumulated thereon” as required by Applicants' claims. Rotating means 3 does not, in fact, contact any surface of the device. The Examiner asserts that because the rotating means 3 disrupts the aggregate particles, it is capable of dislodging powder accumulated in the inhaler. This statement is not correct; it does not follow that because the propeller-like rotating means is capable of disintegrating powder aggregates in

the air stream, it is also capable of dislodging accumulated powder that has adhered to surfaces of the flow path.

Similarly, the rotor 5 disclosed by Hallworth is not a powder dislodging member. The Examiner asserts that, because the rotor 5 is positioned to brush the end of capsule 13, "the rotor is capable of dislodging powder accumulated in the inhaler." Rotor 5 causes the capsule to vibrate and empty its contents (col. 2, lines 21-26.) It does not "contact a surface of the flow path so as to dislodge powder accumulated thereon" as required by Applicants' claims. The outer surface of the capsule cannot reasonably be construed to be part of "a flow path downstream of the dosing unit," nor is there any indication that the rotor brushing the capsule surface dislodges accumulated powder from the capsule surface.

Second, with regard to claim 34, neither reference teaches or suggests a flow path having at least one surface that is movable relative to at least one other surface of the flow path, as recited in claim 34. While the Examiner alleges that each reference teaches this feature, the Examiner does not point out where this teaching is found. If the Examiner chooses to maintain the anticipation rejections with respect to claim 34, Applicants respectfully request that the Examiner point out where this feature is found in each reference.

Claims 55, 57-59, 61 and 62 have been rejected as obvious in view of either of these references combined with Ambrosio, claims 56 and 60 have been rejected as obvious in view of Wetterlin/Hallworth in view of Ambrosio and Andersson, and claims 63 and 64 have been rejected as obvious in view of Wetterlin/Hallworth in view of Ambrosio and Wetterlin '893. Applicants respectfully submit that the claims are patentable over these combinations for at least the reasons discussed above, because none of the secondary references teach or suggest the features lacking in the primary references.

Claims 34-41 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 18, 23, 30 and 39 of U.S. Patent No. 6,257,232, and claims 55 and 59-61 have been rejected under the same doctrine as being unpatentable over claims 1-4 of U.S. Patent No. 6,446,626 in view of Ambrosio. These rejections are respectfully traversed. None of the cited claims teach or suggest a powder

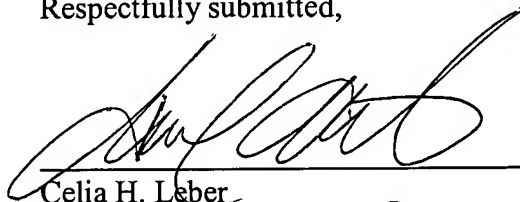
dislodging member. The claims of 6,257,232 pertain to a movable member that *inhibits accumulation* of powder on a surface by interrupting the stream of air flowing through the inhaler; there is no teaching or suggestion of a dislodging member that contacts a surface of the airflow path to *dislodge already accumulated powder*. There is no indication in the claims that the movable member contacts a surface of the flow path, or dislodges powder therefrom. The rejection of claims 55 and 59-61 based on 6,446,626 is not understood, as there does not seem to be anything that could possibly be construed as a powder dislodging member, among other features of Applicants' claims, in any of the claims of 6,446,626.

In view of the above, Applicants respectfully request that the rejections be withdrawn.

It is believed that no fees are due with this submission. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 06275-131002.

Respectfully submitted,

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